

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 06-00190-02-CR-W-HFS
LORRAINE STEGMAIER,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 5, 2007. Defendant Lorraine Stegmaier appeared by telephone (due to her participation in inpatient drug treatment program) and with retained counsel Robin Fowler. The United States of America appeared by Assistant United States Attorney Rudy Rhodes.

On May 17, 2006, an indictment was returned charging defendant and co-defendants Keith Thomas and Dennis Langley (who have charge of plea settings) with one count of conspiracy to manufacture methamphetamine, in violation of 21 U.S.C. § 846, and one count of manufacturing methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). On July 17, 2007, a superseding indictment was returned amending the conspiracy count to charge a conspiracy to manufacture and to distribute methamphetamine, and it amended the second count to manufacturing and distributing methamphetamine. In addition, it added four more counts against defendant

Stegmaier: two counts of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); one count of possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c); and one count of possessing a firearm while an unlawful user of or addicted to an unlawful drug, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2).

Defendant Stegmaier first appeared on April 30, 2007.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhodes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Terry Edwards, Jackson County Drug Task Force.

Mr. Fowler announced that he will be the trial counsel for defendant Lorraine Stegmaier.

III. OUTSTANDING MOTIONS

There are no outstanding motions.

IV. TRIAL WITNESSES

Mr. Rhodes announced that the government intends to call 10 witnesses without stipulations or 4 to 5 witnesses with stipulations during the trial.

Mr. Fowler announced that defendant Lorraine Stegmaier intends to call 3 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhodes announced that the government will offer approximately 60 exhibits in evidence during the trial.

Mr. Fowler announced that defendant Lorraine Stegmaier will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Fowler announced that defendant Lorraine Stegmaier will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Fowler stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports, and interstate nexus of firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 5, 2007, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 5, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 12, 2007;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 12, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 17, 2007. The government asks that the trial begin on September 18, 2007, due to a witness's scheduling conflict. Defendant anticipates filing a motion to continue.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
September 5, 2007

cc: The Honorable Howard Sachs
Mr. Rudy Rhodes
Mr. Robin Fowler
Mr. Jeff Burkholder